IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13042 of 2004

Between:

K.Venkata Ramudu, S/o.K.Giddaiah, 50 years, Fair Price Shop Dealer,
Alavala Village, Gonegandla Mandal, Kurnool District.

...PETITIONER

AND

1. The Joint Collector, Kurnool, Kurnool District.
2. The Revenue Divisional Officer, Adoni, Kurnool District.
3. The Mandal Revenue Officer, Gonegandla Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the 2nd respondent in Rc.M.439/04 dated 04.06.2004 as illegal, void and ultravires the provisions of the A.P.State Public Distribution System (Control) Order, 2001 and consequently direct the respondents herein to restore the authorization of the Fair Price Shop Dealership of the petitioner situated at Alavala Village, Gonegandla Mandal, Kurnool District.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner is a Fair Price Shop Dealer of Alavala Village, Gonegandla Mandal, Kurnool District. It appears that the Mandal Revenue Officer submitted a report to the second respondent (appointing authority) to the effect that the petitioner was disposing of the essential commodities in black market. While initiating action under the provisions of the A.P.State Public Distribution System (Control) Order, 2001 (hereafter called 'the Control Order'), by impugned order dated 04.06.2004, suspended the dealership of the petitioner. Aggrieved by the same, the petitioner preferred an appeal under Section 20 (i) of the Control Order. The petitioner also moved for stay of suspension order, in vain. Therefore, the present Writ Petition is filed.

It is now well settled that when a person avails alternative statutory remedy by way of an appeal or a revision, the Writ Petition would not lie. S e e ***Bombay Metropolitan Region Development Authority v. Gokak Patel Volkart.*** Therefore, this Writ Petition cannot be entertained. However, the first respondent is directed to pass appropriate orders within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

27th July 2004

Note:

Learned AGP, Ms.Hemalatha is

directed to inform about this order

to the Joint Collector today.

B/O

RRB

Copies To:

1. The Joint Collector, Kurnool, Kurnool District.
2. The Revenue Divisional Officer, Adoni, Kurnool District.
3. The Mandal Revenue Officer, Gonegandla Mandal, Kurnool District.
4. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.
6. Copy to Ms.Hemalatha, Assistant Government Pleader (OU), Civil Supplies, High Court Buildings, Hyderabad.